

### **REMARKS**

Applicant thanks the Examiner for the interview on March 1, 2005. During the interview, the parties discussed and agreed to make amendments to claims 1, 7, and 21 to better define the positioning of the porous material. Therefore, clarifying amendments to claims 1, 7, and 21 have been made. Claims 1-14, 21-22, and 25-29 remain pending.

#### **Rejection under 35 U.S.C. § 102(b)**

Claims 1, 5, 6, 7, and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Beardsley et al. (U.S. Pat. No. 6,135,865). Applicant respectfully traverses this rejection. As amended, claims 1, 7, and 21 include the feature of the platen plate having the porous material being configured for positioning proximate to a surface of a polishing pad during a CMP operation. Applicant respectfully submits that the cited prior art does not disclose or suggest this feature. Consequently, Applicant respectfully submits that independent claims 1, 7, and 21 are allowable over the cited prior art. In addition, the dependent claims are submitted to be allowable for at least the reasons as the independent claims are allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection.

#### **Rejection under 35 U.S.C. § 103(a)**

Claims 2-4 and 25-29 were rejected under U.S.C. § 103(a) as being unpatentable over Beardsley et al. Applicant respectfully traverses this rejection. As mentioned above, the cited prior art reference does not teach the feature of the platen plate having the porous material being configured for positioning proximate to a surface of a polishing pad during a CMP operation. Therefore, Applicant respectfully submits that the cited prior art does not disclose or suggest all of the features of dependent claims 2-4 and 25-29. Therefore, Applicant respectfully requests that the section 103 rejection be withdrawn.

Application No. 10/029,457  
Non-Final Office Action mailed 5/5/04.  
Response to Non-Final Office Action mailed 8/5/04.

The Office has indicated that claims 8-14 and 22 are allowed.

As a result, Applicant respectfully submits that all of the pending claims are in condition for allowance and request a Notice of Allowance. If the Examiner has any questions, please contact the undersigned at (408) 749-6900, ext. 6927. Further, if any fees are due in connection with filing this amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P310). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'Edmund H. Mizumoto', is written over the printed name.

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